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Serial No.: 09/916,030
Attorney Docket No.: 10010532-1

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REMARKS

In response to the Office Action dated December 18, 2006, the Applicants have amended claims 1, 5, 6, 7-11-16, 18-20, 22-24 and 26. Claims 1-26 remain in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action objected to claims 1, 5-7, 9, 11, 12, 14-16, 18-20, 22-24 and 26 under 35 U.S.C. 132(a) for allegedly introducing new matter.

The Applicants respectfully traverse this objection and submit that no new matter has been added and that the claims are fully supported throughout the specification and at least in FIGS. 3-5 and paragraphs [0027] and [0050] – [0056] of the Application specification (U.S. Patent Publication No. 2003/0023483). However, in an effort to expedite the case, the Applicants have amended the claims to remove the objected language from claims 1, 5-7, 9, 11, 12, 14-16, 18-20, 22-24 and 26 to overcome this objection.

The Office Action objected to claims 8, 10 and 13 as allegedly being of improper dependent form for failing to further limit the subject matter of previous claims.

The Applicants have amended the claims as suggested by the Examiner to overcome this objection

The Office Action rejected claims 1, 5-7, 9, 11, 12, 14-16, 18-20, 22-24 and 26 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite.

The Applicants respectfully traverse this rejection, but in an effort to expedite the case, have amended the claims as suggested by the Examiner to overcome this rejection.

The Office Action rejected claims 1-26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Suzuki (U.S. Patent No. 6,313,745) in view Treyz (U.S. Patent No. 6,587,835) and further in view of Richards (U.S. Patent Publication No. 2001/0039519).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

For example, Suzuki et al. disclose retrieving information about a product that might be purchased by a consumer (see col. 3, lines 50-53 of Suzuki et al.), Treyz

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discloses sending electronic coupons (see Abstract of Treyz) and Richards discloses a system with buying information and recommendations to help consumers purchase products from retail merchants (see Abstract of Richards). Although Richards disclose sorting items based on the physical route within the store (see paragraph [0061] of Richards), the combined references do not disclose, teach, or suggest the Applicants' newly amended claimed features.

Specifically, the Applicants' independent claims now include using items in the lists to manage product inventory by identifying slow moving merchandise, directing purchasers to stores having overstocked merchandise that matches items on the lists and providing just-in-time reports for replenishing specific merchandise before supply of the specific merchandise is exhausted. Support for these amendments can be found throughout the specification and at least in FIGS. 3-5 and paragraphs [0020], [0027], [0046] and [0048] of the Application specification (U.S. Patent Publication No. 2003/0023483).

In contrast, the combined references merely disclose retrieving product information of potential purchases (Suzuki et al.), sending electronic coupons (Treyz) and making a sorted list of recommended purchases based on pricing information and sorting items based on the physical location (Richards). Therefore, among other things, the combined references do not disclose using items in the lists to manage product inventory by identifying slow moving merchandise, directing purchasers to stores having overstocked merchandise that matches items on the list and providing just-in-time reports for replenishing specific merchandise before supply of the specific merchandise is exhausted, like the Applicants' claimed invention.

Thus, since the combined references are missing features of the Applicants' claimed invention, the combined references cannot render the Applicants' invention obvious. This failure of the cited reference to disclose, suggest or provide motivation for the Applicants' claimed invention indicates a lack of a prima facie case of obviousness and, thus, the rejections should be withdrawn (MPEP 2143).

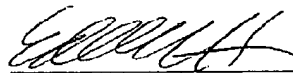
With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

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Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
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Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicants
(818) 885-1575 TEL
(818) 885-5750 FAX